

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SECOND APPEAL No 26 of 1996

For Approval and Signature:

Hon'ble MR.JUSTICE S.D.SHAH

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

JYOTIDRA A ARBASTANI

Versus

VIRENDRA G PATVA

Appearance:

MR KI SHAH for Petitioners

MS ROOPAL R PATEL for Respondent No. 1

CORAM : MR.JUSTICE S.D.SHAH

Date of decision: 11/03/96

ORAL JUDGEMENT

1. Initially after hearing the learned advocates appearing for the parties, this Court dictated an order in the open court on 8th March, 1996 disposing of the Second Appeal. However, before that order was signed, a joint request was made to this court by the learned advocates appearing for the appellants and the respondents that between 8th March, 1996 and today, the parties have reached amicable settlement and have reduced

into writing their settlement by way of consent terms. The said consent terms are signed by the by three parties and as regards the mother respondent No.2, her affidavit is filed. The learned advocates appearing for the parties have also signed the consent terms. In the consent terms, there are corrections on number of places which are initialed by their respective advocates. The said consent terms are signed as on today i.e. 11th March, 1996. The said consent terms are taken on record. Three of the parties are present in the court. They state that they have fully understood the consent terms without any pressure or undue influence or fraud. They state that they are ready and willing to act as per the terms and conditions of the consent terms and they have no objection to final decree being drawn in terms of the consent terms. Accordingly, the consent terms are recorded and the final decree shall be passed by this court in terms of the consent terms.

2. The appellant No.1 has filed an undertaking before this Court as regards his liability to hand over possession of the property No. 10/254 of ground floor, situated at Gandhi Chawk, Surat. The said undertaking is taken on record and the said appellant is directed to act in accordance with the said undertaking. The affidavit filed by the mother is also taken on record and the learned advocate appearing for the mother also states that mother is ready and willing to abide by the consent terms as stated by her in the affidavit.

3. In view of the aforesaid, the Second Appeal stands allowed to the aforesaid extent and the judgment and orders of the courts below stand substituted by the consent decree which is passed in terms of consent terms.
